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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/820,804	03/30/2001	Bill Kitchen	3350-05F	6580

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[REDACTED] EXAMINER

AKERS, GEOFFREY R

[REDACTED] ART UNIT

[REDACTED] PAPER NUMBER

3624

DATE MAILED: 10/08/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.	09/800804	Applicant(s)	Kitchen
Examiner	Akers, g	Art Unit	3624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 7/29/03.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 34-51 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 34-51 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some* c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- *See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) Notice of References Cited (PTO-892) 4) Interview Summary (PTO-413) Paper No(s). _____
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) Notice of Informal Patent Application (PTO-152)
- 3) Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 6) Other: _____

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DETAILED ACTION

Response to Amendment

1. This action is issued in response to applicant's Request for Reconsideration(Paper # 9) filed 7/29/03.
2. Claims 2-33 had been canceled in the submitted of the Continuation Application and claim 1 was canceled in the Preliminary Amendment.
3. Claims 34-51 are pending.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 34-51 are rejected under 35 USC 103(a) as unpatentable over Kolling(US Pat. No: 5,920,847) in view of Remington(US Pat. No: 6,070,150).

6. As per claims 34-51, Kolling teaches a method of electronically presenting billing information(Abstract)(Figs 6-19) comprising billing information receiving billing information from first and second payors(Fig 4). Kolling also teaches invoice presentation to clients(Fig 7) as well as payment information for a plurality of clients to a plurality of billers(Fig 14) as well as portions of the billing information associated with different billers(Fig 5) and mainaining a

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billing ledger for a biller(Fig 4/42) and a payment network(Fig 4/102) and payment message(Fig 4/124) and a universal biller file(memory)(Fig 4/108) and a clearing account(Fig 4/28) and a biller file with name, bank ID, amounts(Fig 5)(col 17 line 15-col 18 line 29) as well as a transaction logger in the clearing system(Fig 6) as well as currency amounts(Fig 6/166).Kolling further teaches a bank statement(Fig 7/38) and a payment record(Fig 7/127) and a customer invoice with the biller's ID number on it(Fig 7/120) with the billing elements on it. Kolling further teaches the biller displaying the payment network symbol and its ID number on its bills and soliciting its customers to pay by the network(Fig 9/210).Kolling also teaches the customer designating which of its bills it desires to pay through the network(Fig 10/234) including customer authorization(Fig 12/316) and customer verification(Fig 12/318) as well as settlement reports(Fig 14) as well as corrections on accounts receivables(Fig 14/504/516) and accounts receivable data(Fig 16) as well as corrections and returns(Fig 17). Remington teaches electronic presentation of bills of billers associated with different categories(col 7 line 42-col 8 line 32)(Fig 5) and presenting the bills to consumers(Fig 5/154) as well as allowing the consumer to dispute bills(col 10 lines 44-59).Remington further teaches processing bills over the Internet(col 7 lines 6-27)(Fig 4/116) as well empowering the customer to control payment date and amount(Fig 5/158) and biller and category data structures(col 14 lines 22-35)(Fig 6) as well as other invoices and bill details(Fig 7/229/230). It would have been obvious to one skilled in the art at the time of the invention to combine Kolling in view of Remington to teach the applicant's disclosure. The motivation to combine is to teach an electronic billing system that may be utilized on the Internet

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for e-commerce transactions and provides a bill presentment, remittance and settlement system that reduces the bill delivery and remittance processing expenses and minimizes manual resolution of remittance check payments, improves cash flow and funds predictability as enunciated by Remington (col 2 lines 40-44).

Claim Rejections - 35 USC § 112

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claims 34-51 are further rejected under 35 USC 112(2nd) for failing to point out and particularly claim what applicant regards is the invention. The claims are too indefinite vis a vis the existing art. In particular, the claims must be narrowed to precisely define any novel features in the disclosure to ascertain prior art distinction.

Response to Arguments

9. Applicant's arguments with respect to claims 34-51 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

10. **THIS ACTION IS MADE NON-FINAL.**

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11. Questions concerning this communication should be addressed to the primary examiner of record, Dr. Geoffrey Akers, P.E., who can be reached between 6:30 AM and 5:00 PM Monday through Friday at 703-306-5844. If attempts to contact the primary examiner are unsuccessful, the primary examiner's superior, Mr. Vincent Millin, SPE, may be telephoned at (703)-308-1065.

The fax number for Formal or Official faxes and Draft or Informal faxes to Technology Center 3600 or this Art Unit is (703)-308-3687. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703)-308-1113.



October 5, 2003

**DR. GEOFFREY R. AKERS, P.E.
PRIMARY EXAMINER**